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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

ASSOCIATION OF IRRITATED
RESIDENTS, an unincorporated association,

Plaintiff,

v.

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY, et al.,

Defendants.

Case No. 09-cv-01890-CW

**STIPULATION TO STAY THE
CASE PENDING PUBLIC
COMMENT ON THE PROPOSED
CONSENT DECREE**

AND

ORDER THEREON

1 WHEREAS, on April 30, 2009, Plaintiff Association of Irrigated Residents filed the
 2 above-captioned matter against the United States Environmental Protection Agency ("EPA"),
 3 alleging that EPA has failed to undertake certain nondiscretionary duties under the Clean Air
 4 Act, 42 U.S.C. §§ 7401-7671q, and that such alleged failures are actionable under section
 5 304(a)(2) of the Clean Air Act, 42 U.S.C. § 7604(a)(2);

6 WHEREAS, on October 21, 2009, EPA lodged a proposed Consent Decree with the
 7 Court, which would fully resolve the claims alleged against EPA in Plaintiff's complaint;
 8

9 WHEREAS, before the proposed Consent Decree can be entered by the Court, EPA must
 10 provide notice of the Consent Decree in the Federal Register and an opportunity for public
 11 comment pursuant to section 113(g) of the Clean Air Act, 42 U.S.C. § 7413(g);

12 WHEREAS, the EPA Administrator will promptly consider any written comments
 13 received on the proposed Consent Decree and, if none of the comments disclose facts or
 14 considerations which indicate that the Decree is inappropriate, improper, inadequate, or
 15 inconsistent with the requirements of the Clean Air Act, EPA will move for the Court's entry of
 16 the Consent Decree;

17 NOW THEREFORE, pursuant to Local Rules 6-2 and 7-12, the case is hereby stayed
 18 pending EPA's consideration of public comments on the proposed Consent Decree. The stay
 19 shall remain in effect until EPA either moves for entry of the Consent Decree, or 45 days after
 20 the close of the public comment period as noticed in the Federal Register pursuant to section
 21 113(g) of the Clean Air Act, 42 U.S.C. § 7413(g), whichever is earlier.

22 **COUNSEL FOR PLAINTIFF:**

23 Dated: October 22, 2009

24 /s/ Brent Newell
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COUNSEL FOR DEFENDANTS:

Dated: October 22, 2009

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/s/ Rochelle L. Russell
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PURSUANT TO STIPULATION, IT IS SO ORDERED. The Case Management Conference is continued to April 13, 2010 at 2:00 p.m.

10/23/09
Dated: _____



CLAUDIA WILKEN
UNITED STATES DISTRICT JUDGE